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Human rights situations that require the Council's attention

Note verbale dated 17 January 2014 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and Other International Organizations in Geneva addressed to the President of the Human Rights Council

Summary

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the President of the Human Rights Council and has the honour to transmit herewith the response of the Syrian Arab Republic to the second thematic report — entitled "Without a trace: enforced disappearances in Syria" — of the Independent International Commission of Inquiry on the Syrian Arab Republic. The Permanent Mission requests that the attached reply be circulated as an official document of the Council under agenda item 4 and posted on the Council's website, in all the United Nations official languages, prior to the Council's twenty-fifth session, the Arabic version being the original text for the purposes of translation into the other languages.

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and Other International Organizations in Geneva takes this opportunity to convey to the Office of the President of the Human Rights Council the assurances of its highest consideration.

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Annex

The Syrian Arab Republic condemns in the strongest possible terms the report that was issued by the Independent International Commission of Inquiry on the Syrian Arab Republic on 19 December 2013. The report, which is entitled "Without a trace: enforced disappearances in Syria", is intended to vilify the Syrian Government based on groundless allegations that are neither proven nor substantiated and that have been made in the unprofessional and subjective manner that has characterized the Commission's work from the very outset.

The Syrian Arab Republic rejects everything that is written in the report about the Syrian authorities. In view of the grave nature of the politicized allegations that are set forth in the report, the Syrian Government is obliged to make the following points:

- In its report, the International Commission continues to target and vilify the State authority and to discredit the country's legal system. Allegations like these have not and shall not deter the Syrian Government from mobilizing all its institutions in order to fulfil its constitutional obligation to protect the population from terrorism and to safeguard the sovereignty, stability and territorial integrity of the Syrian Arab Republic within the legal frameworks that define its functions, notably the provisions of the Syrian Constitution;

- The Commission had received information about cases and testimony from so-called "dissidents" and members of opposition groups and recklessly based its report and the selective recommendations set forth therein on unproven allegations, which it uses to jump to conclusions without any reference to the details of those allegations. How can anyone with even a modicum of good sense expect anything but baseless claims and allegations to be made against the Syrian Government by such sources?;

- The Commission remains unwilling to give impartial, fair and equitable consideration to the information that the Syrian Government has submitted over the past three years to the Office of the United Nations High Commissioner for Human Rights, documenting crimes and acts of terrorism committed by armed groups. The Commission has paid no heed either to any reports from neutral parties or from sources that are not bent on exacerbating the crisis in the Syrian Arab Republic;

- The report is full of erroneous conclusions about breaches by the Syrian Government of its obligations under numerous international human rights treaties. These conclusions, on which the Commission endeavours to bestow legal status, are based on partial information obtained by methods that can in no way be defined as scientific. Some examples can be found in paragraph 19 of the report, in which it is stated that the Commission has reached the "conclusion" that enforced disappearance is used as a method of punishment. This in turn is based on a "conclusion" that a dissident soldier reached regarding an alleged incident;

- The Commission refers to the adoption of a policy of hostage-taking and abduction by what it describes as "armed opposition groups". However, it refers to this grave phenomenon briefly and claims that the groups only resorted to the practice in 2013. Yet, the Office of the High Commissioner has plenty of evidence and names and details, as provided to it by the Syrian Government, concerning cases where terrorist groups abducted Syrian civilians for no reason other than the fact that they were State employees or supporters of the Government. The Commission has turned a blind eye to cases where children have been abducted so that their kidnappers could blackmail the parents for political and financial gain. These incidents began in 2011,

when the crisis was in its early days. The Commission persistently and deliberately ignores facts, disregarding cases of abduction where, on more than one occasion, the victims were members of United Nations peacekeeping forces. It has intentionally disregarded a wealth of information about civilians being used as human shields, being held in degrading and inhumane conditions of detention or being brutally murdered or about cases where the fate of civilians remains unknown and where thousands of Syrian families continue to live caught between despair and the hope that their loved ones will return.

Furthermore, contrary to the claims in the Commission's report, the legal system in Syria reflects the principles on which the Syrian Constitution is founded: guarantees of citizens' dignity and security; maintenance of personal freedom; and fair trial guarantees. The system also ensures that any State employee who commits any breach of duty will be brought to book. Foremost among the laws in this system are the Code of Criminal Procedures, the Judicial Authority Act and numerous decrees and circulars that contain regulations on the work of law enforcement personnel and provide that they will be held to account should they commit any breach of duty.

Notwithstanding the events that have unfolded in the Syrian Arab Republic, and in keeping with its belief in the rule of law, the Syrian Government has continued to reform its laws and to enact new legislation to deal with new developments that have occurred as a result of these events. Legislative Decree No. 20 of 2013, concerning the offence of abduction, was enacted to address an issue that is alien to Syrian society. Under this decree, the penalty for abduction and deprivation of liberty may be as severe as capital punishment, whether the offence is motivated by political or material considerations, a desire for revenge, sectarianism or the intention to demand a ransom. It must be pointed out that criminal gangs are exploiting the circumstances that currently obtain in the country in order to put the blame on the authorities and on State institutions for what happens to the victims of these practices.

The Commission's conclusion that the fact that there are 30 cases before the Working Group on Enforced or Involuntary Disappearances is an indication that people are apprehensive about submitting complaints is a superficial and unscientific conclusion. The Syrian Arab Republic has always cooperated fully with the Working Group on Enforced or Involuntary Disappearances on allegations of this kind that fall within its purview. The Syrian Government provides the Working Group with the information that it has at its disposal on cases that fall within the Working Group's purview. The number 30 does not constitute a phenomenon (that being said, the Syrian Arab Republic will not tolerate any enforced disappearance of any citizen), while the records of other countries, including those of major States that have occupied developing countries, are full of thousands of cases of enforced disappearance.

The report again confirms that the Syrian Arab Republic is right to be concerned about the approach taken by this politicized Commission, whose reports, comments and conduct serve agendas designed to cast blame on the Syrian Arab Republic for the events, while at the same time ignoring *Takfiri Wahhabist* terrorist crimes. These concerns are borne out by the contents of these reports, whose issuance is timed to serve specific and predetermined political and ideological goals.

Lastly, if the Commission is concerned about the "fear" that is said to be widespread among Syrian citizens and if, as claimed in the report, it is committed to restoring calm to people's lives, the Commission should revisit its working methods and analyse the facts about the events in the Syrian Arab Republic. Its members should examine their own conscience and look at what they have done to date to put an end to the traumatic situation that Syrians are living through because of terrorism by armed groups and its destructive effects on their fundamental rights and security. The members should think about what they

have achieved in terms of deterring the States which support the practices of these groups and which do everything in their power to stir up the media and foment sectarian strife in order to achieve their goals of destabilizing the Syrian Arab Republic, undermining the country's security and destroying its cultural heritage.